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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,276	11/08/2001	Sara J. Trenhaile	5605USA	2725
30173	7590	02/17/2006	EXAMINER	
GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/008,276		TRENHAILE ET AL.	
	Examiner		Art Unit	
	Igor Borissov		3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received 12/02/2005 is acknowledged and entered. Claims 1-11 and 22-32 have previously been canceled. Claim 14 has been amended. Claims 12-21 and 33 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haefner et al. (US 6,532,420) in view of Kimle et al. (US 2005/0004809 A1).

Claims 12 and 14. Haefner teaches a method and system and system for production of animal feed, said system including means for calculating cost and means for storing data, said method comprising: calculating cost characteristics of ingredients used in formulating animal feed output and cost of actual blend (C. 5, L. 45-49); comparing the cost of actual blend to the cost of existing (model) feedstuff and selecting said ingredients based on said comparing to achieve an end product (C. 5, L. 50-67; TABLE 1).

Haefner does not specifically teach that said cost-related data is time-sensitive data and related to the current market cost of at least one ingredient.

Kimle teaches a method and system for facilitating the contracting of agricultural products using the Internet, said method and system are used for providing food processing companies (buyers) and grain producers (sellers) with real time information relating to the type and amount of agricultural products available for contract [0030], said system including a processor and a memory, said method including: displaying

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pricing for the quantity and types of agricultural products available for contract in real time (Abstract; [0023]; [0033]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Haeffner to include that said cost-related data is time-sensitive data and related to the current market cost of at least one ingredient as disclosed in Kimle, because it would advantageously allow to maximize profit by adjusting product recipe to include the best priced ingredients at the moment.

Claim 13. Said method wherein said ingredients include bean clusters (grains) (C. 10, L. 8).

Claims 15 and 33. Kimle teaches said system enabling retrieving grain cost data via the Internet at least once a day (real time) (Abstract; [0023]; [0033]). The motivation to combine references would be to advantageously provide the most updated market information thereby allowing to adjust buying strategy to remain competitive on the market.

Claim 16. Kimle teaches said system including graphical user interface (GUI) for interactive input/output of data (Figs. 13 and 14-28; [0031]). The motivation to combine references would be to advantageously simplify interaction of the users with the system.

Claim 17. Haeffner teaches said system wherein percent protein information is considered (C. 4, L. 55-63). Kimle teaches said system wherein said GUI is adapted to output data regarding number of bushel and grain moisture [0033]; [0070]. The motivation to combine references would be to advantageously monitor quality of ingredients for the product thereby producing a quality product.

Claim 18. See reasoning applied to Claim 14.

Claims 19 and 20. Kimle teaches said system including a printing means for printing various reports [0066], thereby indicating ability to print any desired information including a blend summary sheet and blend mix sheet. The motivation to combine references would be to advantageously provide a hard copy for a user in case the of power failure.

Claim 21. Kimle teaches said system, wherein said grain comprises wheat

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and said blend processor specifies a blend of plural wheat lots [0019]. The motivation to combine references would be to include important nutrient ingredient into the line of products.

Claim 33. See reasoning applied to claim 12.

Response to Arguments

Applicant's arguments filed 12/02/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Haeffner does not teach that said system is coupled over a data network to a source of current grain prices, it is noted that Kimle was applied for this feature. Specifically, Kimle teaches a method and system for facilitating the contracting of agricultural products using the Internet, wherein food processing companies (buyers) and grain producers (sellers) are provided with real time information relating to the type and amount of agricultural products available for contract Abstract; [0030]; [0023]; [0033].

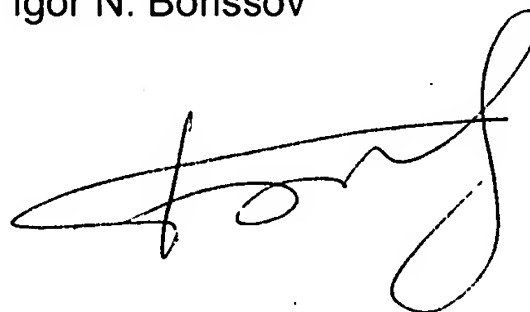
In response to applicant's argument that In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Haeffner system which uses prices obtained from database, would benefit from Kimle by obtaining real time prices and altering a composition of a product based at least in part on said real time prices, thereby creating a competitive product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Igor N. Borissov

A handwritten signature in black ink, appearing to be 'Igor N. Borissov', written in a cursive style.

IB

2/08/2006